

ECUADOR (Tier 2)

Ecuador is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. The majority of trafficking victims are believed to be children trafficked within the country from border and central highland areas to urban centers for commercial sexual exploitation as well as for domestic servitude, forced begging, and forced labor in mines and other hazardous work. According to a recent government study, the main destination provinces for human trafficking include Pichincha, Guayas, Esmeraldas, and Manabi. Ecuadorian children are trafficked to Colombia, Venezuela, Chile, and the Dominican Republic for forced labor, particularly street begging, forced vending, and as domestic servants. Ecuadorian women are trafficked to Colombia, Peru, Venezuela, and Western Europe for commercial sexual exploitation. To a lesser extent, Ecuador is a destination country for the trafficking of Colombian and Peruvian women and girls for commercial sexual exploitation, particularly in border areas, the Amazon region, and cities such as Quito, Santo Domingo, and Esmeraldas. Ecuador is a transit country for Asian nationals to the Western Hemisphere; while some migrants consent to being smuggled through Ecuador, others fall victim to human traffickers along the way.

The Government of Ecuador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government sustained strong law enforcement measures against sex trafficking offenders, in addition to victim assistance. However, the government's law enforcement efforts did not sufficiently address forced labor, sex trafficking crimes involving adults, or evidence of trafficking-related complicity of some local government officials. Moreover, the government's recent decision to lift its tourist visa requirement has resulted in a heavy influx of migrants into the country, some of whom may be trafficked.

Recommendations for Ecuador: Continue vigorous efforts to investigate and prosecute trafficking offenses -- including forced labor -- and convict and punish trafficking offenders, including public officials complicit in trafficking activities, particularly at the local level; increase anti-trafficking training for law enforcement and other government officials; increase raids on brothels that exploit underage children; and develop formal procedures for identifying trafficking victims among vulnerable populations, particularly adult women in prostitution and foreign migrants subject to high smuggling debts.

Prosecution

The government demonstrated strong but incomplete law enforcement efforts against trafficking in persons crimes last year. Ecuador prohibits all forms of human trafficking pursuant to a 2005 amendment to its penal code; trafficking for the purpose of labor exploitation carries a punishment of six to nine years' imprisonment, and trafficking for sexual exploitation carries a penalty of eight to 12 years' imprisonment. Penalties for human trafficking may be increased, by aggravating circumstances, to a maximum of 35 years' imprisonment. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes. During the reporting period, Ecuadorian authorities opened 85 trafficking cases across the country, and achieved convictions in 38 trafficking cases from previous years, securing sentences ranging from four to 12 years' imprisonment against offenders. Such results represent a substantial increase in efforts when compared to 2007, when the government opened 76 prosecutions and convicted five trafficking offenders.

Most cases during the current reporting period involved the inducement of children into prostitution or commercial sexual exploitation. A small number of prosecutions are related to labor exploitation, but do not appear commensurate to the incidence of forced labor in the country, particularly the large number

of children exploited for forced begging and forced domestic work. Despite reports of trafficking-related corruption, particularly related to civil registry officials issuing false identity documents to Colombian minors, no investigations, prosecutions, or convictions of potentially complicit officials took place last year. According to Ecuadorian police, brothel owners commonly use false identity documents to exploit foreign children in prostitution, and to avoid criminal liability for immigration and trafficking violations in the event of a police raid. The government continued to train law enforcement personnel on anti-trafficking skills, and organized an international conference with neighboring countries on forced begging.

Protection

The Ecuadorian government committed additional resources to assist trafficking victims last year. The government ensured trafficking victims' access to legal, medical, and psychological services in victim care facilities, though available shelters for trafficking victims remained lacking in many parts of the country. The government funded NGOs to provide additional victim services, allotting \$423,467 in resources for such efforts last year. Through its Victim and Witness Protection Program, the Public Ministry operated specialized anti-trafficking police units in the cities of Guayaquil, Machala, Portoviejo, Cuenca, and Quito. These units accompanied other police authorities on brothel raids to coordinate immediate protective services for identified trafficking victims, and assistance for victim witnesses during court proceedings. Last year the government identified and assisted approximately 56 victims of trafficking; 12 victims accepted services from the Victim and Witness Protection Program. The government encouraged victims to assist with the investigation and prosecution of their traffickers. Law enforcement and social services personnel employed formal procedures to identify child victims of commercial sexual exploitation, but did not demonstrate adequate efforts for identifying adult trafficking victims among women exploited in brothels and other vulnerable populations. Authorities did not penalize trafficking victims for unlawful acts committed as a direct result of their being trafficked. The Ecuadorian government did not provide legal alternatives to the removal of foreign victims to countries where they faced hardship or retribution, though foreign victims were not typically deported from the country.

Prevention

The Government of Ecuador sustained anti-trafficking prevention efforts last year. Senior government officials, including the president, condemned human trafficking in public speeches. The government continued anti-trafficking campaigns against forced child begging and child sex tourism, in addition to a media campaign warning "clients" that purchasing child prostitution is a punishable crime. The government, however, did not report other steps to reduce demand for commercial sex acts purchased from adults or forced labor of adults during the reporting period.